

Before the  
**COPYRIGHT ROYALTY BOARD**  
**LIBRARY OF CONGRESS**  
Washington, D.C.

FILED 04 2009

|                              |                      |
|------------------------------|----------------------|
| In the Matter of             | )                    |
|                              | ) Docket No. 2009-1  |
| Digital Performance in Sound | ) CRB Webcasting III |
| Recordings and Ephemeral     | )                    |
| Recordings                   | )                    |

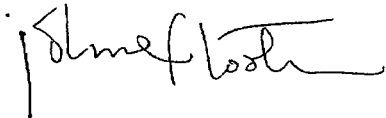
PETITION TO PARTICIPATE

Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and Federal Register No. 74, No. 2, (Monday, January 5, 2009), **Access2ip** herein files with the Library of Congress, Copyright Office, this petition stating the entity's intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of "eligible nonsubscription transmissions" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

As an organization of webcasters and their service providers, Access2ip has significant interests in the subject matter of this proceeding because many of its members utilize and perform sound recordings under the above referenced licenses and therefore will be subject to the rates and terms established in this proceeding. As such, petitioner intends to fully participate in this proceeding.

The requisite \$150 filing fee is submitted herewith.

Dated: February 2, 2009



\_\_\_\_\_  
Signature of Officer or Authorized Representative of Service

Johnie Floater  
Secretary  
**Access2ip**  
7095 Hollywood Blvd., #1014, Hollywood, CA 90028  
tel: (323) 230-9990 fax (323) 230-5127  
[legal@access2ip.com](mailto:legal@access2ip.com)

Before the  
**COPYRIGHT ROYALTY BOARD**  
**LIBRARY OF CONGRESS**  
Washington, D.C.

|                              |   |                    |
|------------------------------|---|--------------------|
| In the Matter of             | ) |                    |
|                              | ) | Docket No. 2009-1  |
| Digital Performance in Sound | ) | CRB Webcasting III |
| Recordings and Ephemeral     | ) |                    |
| Recordings                   | ) |                    |
|                              | ) |                    |

FEB 04 2009

PETITION TO PARTICIPATE

Pursuant to Section 804(b)(3)(A) of the Copyright Act, Title 17, Section 351.1 (b) of the Copyright Royalty Judges Rules and Procedures, (37 CFR 351.1(b)), and Federal Register No. 74, No. 2, (Monday, January 5, 2009), MTV Networks, a division of Viacom International Inc. herein files with the Library of Congress, Copyright Office, this petition stating the entity's intention to participate in the above-captioned proceeding before the Copyright Royalty Judges to establish reasonable rates and terms for compulsory licenses in connection with digital sound recording performances (17 U.S.C. § 114(f)(2)) and related ephemeral reproduction rights (17 U.S.C. § 112(e)) by means of "eligible nonsubscription transmissions" and/or transmissions by a "new subscription service" for the period beginning January 1, 2011, and ending on December 31, 2015.

MTV Networks, a division of Viacom International Inc. has a significant interest in the subject matter of this proceeding because it utilizes and performs sound recordings under the above-referenced licenses and will therefore be subject to the rates and terms established in this proceeding and as such, petitioner intends to fully participate in the proceeding.

The requisite \$150 filing fee is submitted herewith.

Dated: January 26, 2009



[Signature of Officer or Authorized Representative of Service]

George Cheeks  
Executive Vice President & Co-General Counsel  
Business & Legal Affairs, MTV Networks, a division of Viacom International Inc.  
1515 Broadway, New York, NY 10036  
(212) 255-8825  
(212) 846-1849  
George.Cheeks@mtvstaff.com

Before the  
**COPYRIGHT ROYALTY BOARD**  
**LIBRARY OF CONGRESS**  
**United States Copyright Office**  
**Washington, D.C.**

FEB 04 2009

Copyright

\_\_\_\_\_  
In the Matter of )

)  
Determination of Rates and Terms for )  
Digital Performance in Sound Recordings )  
and Ephemeral Recordings )  
\_\_\_\_\_

Docket No. 2009-1 CRB Webcasting III

**PETITION TO PARTICIPATE**

In accordance with 17 U.S.C. Section 803(b)(1)(B) and 37 C.F.R. 351.1(b), mSpot, Inc. hereby submits its Petition to Participate in the proceedings to establish reasonable rates and terms for digital performances of sound recordings and ephemeral recordings for the period commencing January 1, 2011 and ending December 31, 2015. This Petition responds to the Copyright Royalty Board's notice announcing the commencement of the above-captioned proceeding and requesting Petitions to Participate, 74 Fed.Reg. 318 (January 5, 2009).

1. Name of Petitioner: mSpot, Inc.
2. Mailing Address: 455 Portage Ave, Suite A  
Palo Alto, CA 94306-2213
3. Description of Petitioner's Interest in the Proceeding:

Petitioner operates a non-interactive, new subscription digital audio service that transmits performances of sound records, including retransmissions of broadcast transmissions, to end users. As such, Petitioner will be subject to the rates and terms established in this proceeding and, accordingly, has a significant interest in the subject matter thereof.

4. Officer or Authorized Representative of Petitioner:

A. Name: Bennett Lincoff\*

B. Title: Principal, Law Office of Bennett Lincoff

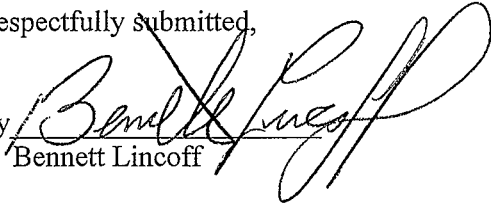
C. Address: 140 Riverside Drive, 7-N  
New York, NY 10024

D. Telephone Number: 1.212.724.0803

E. E-mail Address: bennettlincoff@gmail.com

Respectfully submitted,

By

  
Bennett Lincoff

\* As required by 37 C.F.R. 350.2, it is hereby affirmed that Mr. Lincoff is presently a member in good standing of the bar of New York State (N.Y. Bar. No. 1228139).

Dated: February 3, 2009

**Law Office of Bennett Lincoff**  
**140 Riverside Drive, 7-N**  
**New York, NY 10024**  
**212.724.0803**  
**bennettlincoff@gmail.com**

FEB 04 2009

BY EXPRESS MAIL

Copyright Royalty Board  
P.O. Box 70977  
Washington, D.C. 20024-0977

February 3, 2009

Re: Docket No. 2009-1 CRB Webcasting III

Dear Sir or Madam:

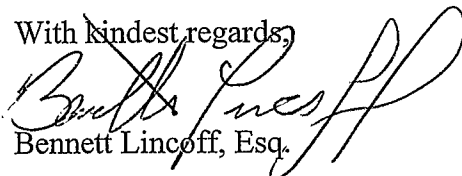
Enclosed please find the following:

The original and five copies of the Petition of mSpot, Inc. to participate in the above captioned proceeding;

A CD containing a pdf copy of that Petition; and

A check in the amount of \$150.00 payable to the Copyright Royalty Board.

With kindest regards,

  
Bennett Lincoff, Esq.

cc: mSpot, Inc.

ALTSCHUL & OLIN, LLP  
LAWYERS  
16133 VENTURA BOULEVARD, SUITE 1270  
ENCINO, CALIFORNIA 91436

FEB 04 2009

Milton E. Olin, Jr.  
David E. Altschul

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Brendon T. Vandergast

Writer's Email:  
[molin@altolinlaw.com](mailto:molin@altolinlaw.com)

Via U.S.P.S. Express Mail

February 3, 2009

Copyright Royalty Board  
P.O. Box 70977  
Washington, DC 20024-0977

Re: Pandora Media, Inc.  
Petition to Participate in Docket No. 2009-1 CRB Webcasting III  
Digital Performance in Sound Recordings and Ephemeral Recordings

Gentlepersons:

This Petition To Participate is filed in the above referenced matter in accordance with the Notice Filed in the Federal Register, Volume 74, No.2 on Monday, January 5, 2009.

We represent Pandora Media, Inc. ("Pandora"). On behalf of Pandora we are writing to confirm their election and intention to participate in the matter of the above rate determination.

Pandora is a well-known and significant provider of Internet radio services in the United States and intends to participate fully in this matter.

Our check number 2337, submitted on behalf of our client in the amount of \$150, made payable to "Copyright Royalty Board", is enclosed herewith.

Please contact the undersigned with any questions you may have.

Sincerely,



Milton E. Olin, Jr.  
Altschul & Olin, LLP

Cc: Mr. Joe Kennedy, CEO Pandora Media, Inc.

Lm-420

BAT# 11696

COPYRIGHT LOYALTY JUDGES PROGRAM

DAILY CURRENCY LOG

2009-1 CRB Webcasting III

DATE: 2-6-09

| #  | Docket No. | Remitter            | Check Number | Check Amount | Data Prep Receipt Number |
|----|------------|---------------------|--------------|--------------|--------------------------|
| 1  | 2009-1     | Pandora Media, Inc. | 2637         | 150.00       |                          |
| 2  |            | mSpot, Inc.         | 1873         | 150.00       |                          |
| 3  |            | MTV Networks/Viacom | 01019132     | 150.00       |                          |
| 4  |            | Access2ip           | 17296        | 150.00       |                          |
| 5  |            |                     |              |              |                          |
| 6  |            |                     |              |              |                          |
| 7  |            |                     |              |              |                          |
| 8  |            |                     |              |              |                          |
| 9  |            |                     |              |              |                          |
| 10 |            |                     |              |              |                          |
| 11 |            |                     |              |              |                          |
| 12 |            |                     |              |              |                          |

Total:

\$600.00

TRANSFERS:

Signature of Transferor

Receiver

Date & Time

1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

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